

REMARKS

Claims 1-24 are pending. Claims 1-24 stand rejected. The Applicants' attorney has amended claims 1, 17 and 24. The Applicants' attorney notes that the Office Action cites no basis for rejection of claim 14 of the present application. Accordingly, the Applicants request clarification of the status of claim 14. In view of the following remarks, allowance of all pending claims is respectfully requested.

Rejection of Claims 1-4 Under 35 U.S.C. § 103(a) As Being Unpatentable Over O'Callaghan in view of Schenkel

Claim 1

Claim 1 recites a controller disposed in a network component and operable to receive an activity level of a port from a processor disposed in the network component and associated with the port and to generate a signal that is related to the activity level.

For example, referring, e.g., to FIG. 3 and paragraph 30 of the present patent application, a network component 50 includes a CPU-subsystem 31 and a controller 51. The CPU-subsystem 31 reads the actual transmit and receive counts associated with a data port, generates an activity level rate of data traffic based upon the transmit and receive counts, and provides the activity level to the controller 51. The controller 51 generates a signal that represents the activity level and drives an indicator LED 40 with the signal such that the LED indicates the activity level of the port

O'Callaghan, on the other hand, fails to teach a controller disposed in a network component and operable to receive an activity level of a port from a processor disposed in the network component and associated with the port and to generate a signal that is related to the activity level. O'Callaghan at, e.g., FIG. 1 and

col. 3, line 35 to col. 4, line 16 teaches a communications hub 10 having a visual indication device 20 and coupled via ports 11 to network devices 12. The hub 10 functions to determine activity/collision levels associated with the devices 12, and the device 20 operates to provide a visual indication of such levels. Because the hub 10 provides a port activity level, the hub cannot function as both a controller receiving the activity level from a processor and a processor providing the activity level to a controller.

Moreover, Schenkel does not teach, nor does the Examiner allege that Schenkel teaches, a controller disposed in a network component and operable to receive an activity level of a port from a processor disposed in the network component and associated with the port and to generate a signal that is related to the activity level. Schenkel at, e.g., FIG. 1 and col. 2, line 51 to col. 3, line 4 teaches a data communication network 1. Devices 2 are included in the network, and can communicate with each other via the network 1. Each of the devices contain a traffic counter 3, for counting the number of packets it received and the number of packets it transmitted, since reset of the traffic counter. A processor comprised of CPU 4, memory 5 and display 6 are also connected to the network, and can communicate with each of the devices 2 (A, B, C and D) connected to the network 1. However, Schenkel fails to teach a controller operable to receive an activity level of a port from a processor and to generate a signal that is related to the activity level, wherein the controller and processor are disposed in the same network component.

As such, O'Callaghan and Schenkel, taken each alone or in combination, fail to teach or suggest the invention recited in claim 1.

Claims 2-4

Claims 2-4 are patentable by virtue of their dependency from claim 1.

**Rejection of Claims 5-13 and 15-24 Under 35 U.S.C. § 103(a) As Being
Unpatentable Over O'Callaghan in view of Schenkel and In View of Liu**

Claims 5 and 9

Claim 5 recites a controller operable to receive an activity level and to generate a signal that is related to the activity level, the signal comprising a series of separated pulses, the separation between pulses being a non-linear function of the activity level. Claim 9 recites a controller operable to receive an activity level and to generate a signal that is related to the activity level, the signal comprising a series of separated pulses, the length of a separation being randomized within a predetermined range for that activity level.

For example, referring, e.g., to FIGS. 4 and 6 and paragraphs 37 and 48 of the present patent application, a pseudo-random number generator 56 generates a pseudo-random number used by a logic state machine 54 to provide a degree of randomization in the separation between pulses to simulate the inherent randomness of network activity. In another embodiment, each activity level (except zero and ON) has a fixed, pulse separation time associated with it. The separation between pulses may decrease, for example, non-linearly as the activity level increases.

As acknowledged by the Examiner, neither O'Callaghan nor Schenkel teaches a signal comprising a series of separated pulses, the separation between pulses being a non-linear function of the activity level or the length of a separation being randomized within a predetermined range for that activity level.

Liu also fails to teach a signal comprising a series of separated pulses, the separation between pulses being a non-linear function of the activity level or the length of a separation being randomized within a predetermined range for that activity level. Liu at, e.g., FIG. 5 and col. 5, lines 9-38 teaches a communication device 14 including a plurality of ports 40. Each port 40 is coupled to a corresponding signal detection circuit 22c, which is in turn coupled to a

corresponding latch circuit 26c. When a signal detection circuit 22c detects activity on the associated port 40, the signal detection circuit 22c generates a pulse and provides the pulse to the corresponding latch circuit 26c. The corresponding latch circuit 26c, in response to the received pulse, asserts an output signal. However, Liu fails in any manner to comment on a characteristic (e.g., non-linearity, randomness) of the separation between pulses

Accordingly, none of the references cited by the Examiner, either taken each alone or in combination, teaches or suggests the invention recited in claims 5 and 9.

Claims 15-16, 20 and 22

Claims 15-16, 20 and 22 are patentable for reasons similar to those discussed above with reference to claims 5 and 9.

Claims 17 and 24

Liu fails to supply the teachings missing from O'Callaghan and Schenkel, namely a controller disposed in a network component and operable to receive an activity level of a port from a processor disposed in the network component and associated with the port and to generate a signal that is related to the activity level. Accordingly, claims 17 and 24 are patentable for reasons similar to those discussed in connection with claim 1.

Claims 6-8, 10-13, 18-19, 21 and 23

Claims 6-8, 10-13, 18-19, 21 and 23 are patentable by virtue of their respective dependencies from claims 5, 9, 17, 20 and 22.

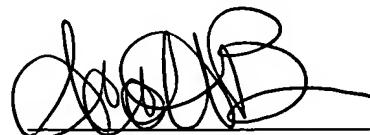
CONCLUSION

In light of the foregoing, Applicants' undersigned attorney submits that claims 1-24 as previously pending are in condition for full allowance, and a Notice of Allowance is therefore respectfully requested.

In the event additional fees are due as a result of this amendment, you are hereby authorized to charge such payment to Deposit Account No. 50-1078.

If the Examiner believes that a phone interview would be helpful, he is respectfully requested to contact the undersigned.

Respectfully submitted,
GRAYBEAL JACKSON HALEY LLP



P.G. Scott Born
Attorney for Applicants
Registration No. 40,523
155-108th Avenue N.E., Ste 350
Bellevue, WA 98004-5973
(425) 455-5575